

*Mr Shirley*

**WAIMEA COUNTY COUNCIL (MOTUEKA HARBOUR)  
VESTING AND EMPOWERING**

[LOCAL]

ANALYSIS

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A BILL INTITULED

**An Act to provide for the repeal of the Motueka Harbour Board Act 1905, to endow the Waimea County Council with certain land at Motueka Harbour, to vest property at Motueka Harbour in the Waimea County Council, and to transfer all other functions in relation to the operation of the Motueka Harbour from the Nelson Harbour Board to the Waimea County Council**

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the Waimea County Council (Motueka Harbour) Vesting and Empowering Act 1985.

**2. Special Act**—This Act is a special Act within the meaning of the Harbours Act 1950.

**3. Interpretation**—In this Act, unless the context otherwise requires, “Council” means the Waimea County Council.

**4. Land vested in Council**—Those parts of the land described in the Schedule to this Act that are not vested in the Council are hereby vested in the Council as an endowment. 5

**5. Vesting of property, etc.**—All other real and personal property and the benefit and obligations of all contracts existing relating to the Motueka Harbour and vested in the Nelson Harbour Board on the commencement of this Act are hereby vested in the Council. 10

**6. Provisions relating to Nelson Harbour Board Order 1968**—(1) The Nelson Harbour Board Order 1968 is hereby amended by revoking clause 2, and substituting the following clause:

“2. The Nelson Harbour District shall comprise the area constituted as that district by section 7 of the Nelson Harbour Act 1905 (as amended by section 84 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1923), together with the Borough of Motueka and the Motueka and Moutere Ridings of the County of Waimea.” 15 20

(2) The Endowment Committee established under section 76 of the Counties Act 1956 for the purposes of clause 6 (2) of the Nelson Harbour Board Order 1968 is hereby abolished.

(3) Clauses 5, 6 (2) and (3), 7, 8, and 10 of the Nelson Harbour Board Order 1968 are hereby revoked. 25

**7. Council to have powers of Harbour Board**—The Council shall have all the powers and duties of a Harbour Board, as defined in the Harbours Act 1950, with respect to the land described in the Schedule to this Act and to the control of the Motueka Harbour. 30

**8. Transfer of property**—(1) Where, under this Act, any real property to which section 99A of the Land Transfer Act 1952 applies is vested in the Council, no fee shall be payable in respect of any application under the said section 99A.

(2) Where any other property and any rights are vested in the Council by this enactment, and the title of any other person thereto is or should have been entered in any register required by law to be kept, the person whose duty it is to keep the 35

register shall, on the request in writing of the Council, enter in the register without payment of any fee the name of the Council as the owner of such property or rights instead of the former owner.

- 5     **9. Bylaws, rates, and charges**—All bylaws and scales of rates and charges in force in respect of the Motueka Harbour immediately before the commencement of this Act shall continue in force after the commencement of this Act and apply in respect of that harbour as if they were bylaws made  
10 by the Council or, as the case may be, were fixed by bylaws made by the Council, until bylaws are made by the Council in substitution therefor, and shall after the commencement of this Act be enforceable by the Council accordingly.

- 15     **10. Repeal**—The Motueka Harbour Board Act 1905 is hereby repealed.

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SCHEDULE

Sections 4, 7

ALL that area bounded by a line commencing at a point at high water mark on the western shore of Tasman Bay, at the southern boundary Section 91 of Block I of the Moutere Survey District, and proceeding thence along high water mark of the Tasman Bay and Moutere Mudflat to a public road forming the north-western boundary of Section 203 of Block VIII of the Motueka Survey District; thence along the said public road and a continuation thereof forming the boundary of Section 202 of Block VII to the mouth of the river Moutere; thence across the said river to the road forming the eastern boundary of Section 172 of Block VII aforesaid; thence along the said road to the southern boundary of Section 3 of 173; thence along the southern, eastern, and northern boundaries of the said Section to a public road; thence along the said road to the southern boundary of Section 3 of 170 of Block VII aforesaid; thence along the southern and eastern boundaries of the said Section to a public road; thence along a public road to Section 144 of Block IV: thence along the southern boundary of the said Section 144 to a public road forming the eastern boundary of the said Section; thence along the said road to a point opposite the north-western corner of Section 126 of Block IV; thence across the Motueka River to the eastern side of a public road opposite to the south-eastern corner of Section 3 of Block XI of Kaiteriteri Survey District; thence along the eastern side of the said public road in a general northerly direction to a tidal creek running into the entrance of the Motueka River; thence following the line of the said last-mentioned road across the said tidal creek to a point on the eastern side of a public road forming the south-eastern boundary of Section 22 of Block XI, Kaiteriteri Survey District; thence along the eastern side of the said road in a general northerly direction to the end thereof; thence along the high water mark of Tasman Bay and a tidal inlet to a road forming the southern boundary of Section 52 of Block X; thence west along the northern side of the said road across the said tidal

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inlet; thence north and west along high water mark to a point near the mouth of the Riwaka River, being the north-western corner of Section 66 of Block X; thence across the Riwaka River to a point on the northern bank of the Riwaka River on the eastern side of a public road opposite the south-eastern corner of Section 67 of Block X; thence along the eastern side of the said public road in a general northerly direction to the end thereof; thence by high water mark to the north-eastern corner of Section 67 of Block X; thence along the eastern side of a public road forming the eastern boundary of Section 19 of Block X and high water mark to a point on the coast of Tasman Bay due east of Trig Station A in the Kaiteriteri Survey District; thence due east for a distance of three miles; thence parallel to general trend of the coastline of Tasman Bay and distant three miles therefrom to a point in line with the southern boundary-line of Section 91 of Block I of the Moutere Survey District; and thence direct to the point of commencement, excepting and excluding therefrom Sections 1 and 2 of Block IV, Motueka Survey District, known as Giblin's Island, Section 2 of Block XI, Kaiteriteri Survey District, and Sections 92 and 93 of Block XI, Kaiteriteri Survey District, and the roads (if any) connecting the same with the mainland.